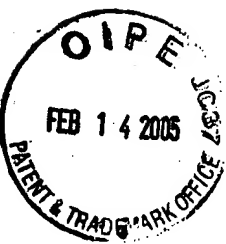


Copy



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ashvin H. Desai

Application No.: 09 / 715,853 Group No.: 3743
Filed: November 17, 2000 Examiner: Ferko, Kathryn P.
For: METHOD FOR TISSUE TREATMENT WITH INJECTED SUBSTANCE

☐ *Patent No.: _____ Issue Date: _____
Reexamination No.: _____

*NOTE: Preferably also insert inventor's name and invention title.

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION (37 C.F.R. § 1.321(c))

Identification of Person(s) Making This Disclaimer

I, David Jaffer
(type or print names of all inventors or assigns or name of attorney signing disclaimer)

(a) represent that I am

- ☐ an inventor (applicant) of this invention.
☐ an assignee of this invention.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

37 C.F.R. § 1.8(a)

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☒ with sufficient postage as first class mail.

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TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) _____

Date: 10/8/03

Signature

Diana Dearing

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

WARNING: "If the patent or patent application is assigned to an organization, such as a corporation, partnership, university, [g]overnment agency or similar entity, and the disclaimer is signed by the assignee, the assignee must comply with § 3.73(b)." Notice of Oct. 15, 1993, 1156 O.G. 54-61 at 56, § 1490, M.P.E.P., 7th Edition.

☐ a representative authorized to sign on behalf of the assignee identified below.

☐ A statement under 37 C.F.R. § 3.73(b) is attached.

WARNING: See the above "WARNING."

☒ the attorney of record for this invention.

NOTE: The rules "permit an attorney or agent of record to sign a terminal disclaimer without the need to comply with § 3.73(b)." Notice of Oct. 15, 1993, 1156 O.G. 54-61, at 56. See also § 1490, M.P.E.P., 7th Edition.

IDENTITY OF ASSIGNEE AND TITLE OF DISCLAIMANT
(if applicable)

The assignee is

Name of assignee _____

Address of assignee _____

Title of disclaimant authorized to sign on behalf of assignee _____

EXTENT OF DISCLAIMANT'S INTEREST

The extent of the interest in this invention that the disclaimant owns is:

☒ the whole of this invention.

☐ a sectional interest in this invention, as follows:

NOTE: Disclaimers from the whole interest must be filed.

(state the exact interest of the disclaimant)

The disclaimant(s) is/are:

☒ the applicant(s)

☐ the assignee(s)

RECORDAL OF ASSIGNMENT IN PTO

(if applicable)

- ☐ The assignment was recorded on _____
Reel _____
Frame _____
- ☐ Authorization for recordal of the assignment is separately attached.
- ☐ A separate ☐ "ASSIGNMENT (DOCUMENT) COVER SHEET" or
☐ FORM PTO 1595 is also attached.

ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION

(if applicable)

- ☐ Attached is a STATEMENT UNDER 37 C.F.R. § 3.73(b) establishing the right of the assignee to take action in this case.

NOTE: Insert the appropriate page 3.

DISCLAIMER
(Obviousness-Type Double Patenting Rejection Over A Prior Patent)

Petitioner(s) hereby disclaims, except as provided below, the terminal part of any patent granted on the instant application, which would extend beyond the expiration date of Patent No. 6,461,296 B1 as presently shortened by any terminal disclaimer. Petitioner(s) hereby agree(s) that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above-listed patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the patent forming the basis of the double patenting rejection, namely, Patent No.: 6,461,296 B1, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

DISCLAIMER FEE (37 C.F.R. § 1.20(d))

- ☐ Other than a small entity — fee \$110.00
- ☒ Small entity — fee \$55.00 Applicant claims small entity status.
- ☐ Small entity statement attached
- ☐ Small entity statement already filed
- ☐ in patent application _____ / _____
on _____ (Date)

FEE PAYMENT

- ☐ Fee already paid.
- ☒ Attached is a ☒ check ☐ money order in the amount of \$ 55.00
- ☐ Authorization is hereby made to charge the amount of \$ _____
- ☐ to Deposit Account No. _____
- ☐ to Credit card as shown on the attached credit card information authorization form PTO-2038.

WARNING: Credit card information should *not* be included on this form as it may become public.

- ☒ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above. Deposit Account 03-3975

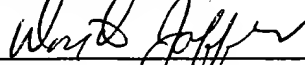
~~A duplicate of this paper is attached.~~

Date: 10-8-03

Reg. No.: 32,243

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Signature of disclaimant



SIGNATURE OF PRACTITIONER OF RECORD

David Jaffer

(type or print name of practitioner)

Pillsbury Winthrop LLP

P.O. Address

2550 Hanover Street
Palo Alto, CA 94304-1115



THE STAMP OF THE U.S. PATENT & TRADEMARK OFFICE Docket: 10284-0269451

HEREON ACKNOWLEDGES RECEIPT OF THE FOLLOWING: ☐ TM/SM ☒ PATENT

Applicant/Patentee: DESAI

Serial/Patent/Reg. #: 09/715,853

Filed/Issued: 11/17/2000

For: Method for Tissue Treatment w/ Injected Substance

☒ 1 Transmittal

☐ Specification/Application

☒ 1 Sheet(s) ^{Replacement} Formal/Informal Drawing

☐ Declaration & Power of Atty.

☐ Assignment

☒ Amendment

☒ Check No. 202974 for \$ 530⁰⁰

☐ Extension Request

☐ Trademark/Service Mark Specimen

☐ Certified _____ Application

☐ Verified Statement

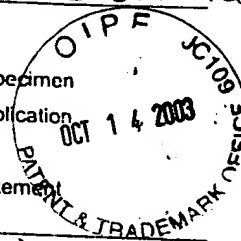
☐ Information Disclosure Statement

☐ Express Mail No. _____

☒ Other: Terminal Disclaimer

Date: 10/8/03

By: D. Desai



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